IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

AARON GLAESER,)
Plaintiff,)
v.) CASE NO. 3-05-1043) JUDGE WISEMAN/JUDGE GRIFFIN) JURY DEMAND
MUNICIPAL GOVERNMENT OF	,)
CHEATHAM COUNTY and)
JASON LITTLEJOHN,)
Defendants.))

DEFENDANTS' MOTION FOR LEAVE TO SUBMIT A REPLY BRIEF IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT

Come the Defendants, Municipal Government of Cheatham County and Jason Littlejohn (hereinafter "Cheatham County" and "Deputy Littlejohn"), by and through counsel and pursuant to LR 7.01(b), and moves for leave of Court to submit a reply brief in support of their Motion to Dismiss.

As grounds for this motion, Defendants submit that Plaintiff has failed to file a timely response to the Defendants' pending motion for summary judgment. Further, the Plaintiffs' latefiled response is identical to the response filed by Plaintiff in response to Defendants' prior motion to dismiss. The Plaintiff has failed to address additional facts and argument in Defendants' pending motion for summary judgment, and the Plaintiff continues to misstate and misapply applicable U.S. Supreme Court law, which is set forth in Heck v. Humphrey, 512 U.S. 477 (1994). Furthermore, Plaintiff has cited cases from other jurisdictions that do not support

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Plaintiff's offered proposition of law that a claim for civil damages pursuant to § 1983 may be maintained notwithstanding a prior, valid criminal conviction. Finally, the Plaintiff continues in his inability to present to the Court specific case law to show that Deputy Littlejohn's conduct violated a "clearly established right."

In light of the response filed by Plaintiff containing inaccurate legal and factual analysis, Defendants submit that a Reply brief would assist the Court in discerning the correct law that applies to this particular matter. For these reasons, Defendants attach their Reply brief hereto as Exhibit "1", and respectfully request that an Order be entered directing the Clerk to file the same in accordance with the Court's ruling on this motion.

Respectfully submitted,

ORTALE, KELLEY, HERBERT & CRAWFORD

/s/ W. Carl Spining

W. CARL SPINING, #16302

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was forwarded, via first class U.S. mail, postage pre-paid, to the attorney for the Plaintiff, Adam Wilding Parrish, 110 South Cumberland, Lebanon, TN 37122, on this the 23rd of March, 2007.

> /s/ W. Carl Spining W. Carl Spining